

The Smithfield Town Council held its regular meeting on Tuesday, September 6<sup>th</sup>, 2022.  
The meeting was called to order at 6:30 p.m.

**Members present:**

T. Carter Williams – Mayor  
Michael Smith – Vice Mayor  
Valerie Butler  
Randy Pack  
Wayne Hall  
Beth Haywood

**Members absent:**

Renee Rountree

**Staff present:**

Michael Stallings - Town Manager  
William H. Riddick, III – Town Attorney  
Lesley King – Town Clerk  
Alonzo Howell – Chief for the Smithfield Police Department  
Ellen Minga – Town Treasurer  
Tammie Clary – Community Development & Planning Director  
Jack Reed – Director of Public Works and Utilities  
Amy Novak – Director of Parks and Recreation  
Judy Winslow – Director of Tourism  
Ashley Rogers – Director of Human Resources  
Charles Bryan – Chairman, Planning Commission  
Jeff Brooks – Board Member, Board of Zoning Appeals  
Chris Darden – Officer, Smithfield Police Department  
Eric Phillips – Lieutenant, Smithfield Police Department  
Josh Powell – Sargent, Smithfield Police Department  
Nadya Jaudzimas – Administrative Assistant

**Press:** Stephen Faleski – The Smithfield Times

**Citizens:** 22

Mayor Williams welcomed everyone to the meeting. All stood to recite the Pledge of Allegiance.

**Introduction of Smithfield's Newest Police Officers:**

The Town Manager reported that Chief Howell would like to present two new hires to the Smithfield Police Department.

Chief Howell stated that it gave him great pleasure to introduce one of the two new Police Officers to the Council, Officer Chris Darden. He reported that Officer Darden had gone through the Police Academy in the City of Hampton, and was sworn in on August 29<sup>th</sup>. He added that

Officer Darden is currently participating in field training, and that he would be with the Department for many years to come.

Chief Howell reported that the second new member of the Police Department, Officer Robert Herget, had come to Smithfield from the City of Newport News Police Department. He added that Officer Herget was scheduled to work this evening, but had hoped he would be able to stop in to meet the Council members. He expressed that he hoped to be in front of the Council again in the near future with additional new members of the Police Department to introduce.

Mayor Williams welcomed Officer Darden.

Chief Howell acknowledged that there were many members of Officer Darden's family present at the meeting, and asked that they stand and be recognized.

### **Manager's Report:**

The Town Manager stated that included in the packet provided were activities from the previous month. He added that he had correspondence that the Mayor received from Vincent Carillo, owner of Anna's Ristorante in Smithfield, and asked that it be read at the Council meeting. He read Mr. Carillo's account of a recent incident at his restaurant with a malfunctioning fire alarm while he was on vacation. Mr. Carillo's letter continued that there had not been a fire and he had to walk the fire department through how to turn off the sounding alarm. He gave a detailed report about the professionalism and the compassion of the first responders involved, wanted to ensure the Town Council was aware of the sense of support the community of Smithfield had as a result. Mr. Carillo's letter went on to thank Jeff Smith and Chris Edwards of the Smithfield Fire Department for their service to the community, and expressed his gratitude to the Town's entire Fire and Police Departments.

Mayor Williams stated that the Council would like to thank the Smithfield Fire Department and the Police Department for going above and beyond duty.

### **Public Comments:**

Mayor Williams stated that the public was invited to speak to Council on any matter, except scheduled public hearings. He explained that there were three public hearing scheduled this evening, and there would be ample time to speak. He asked that speakers state their name and address, adding that comments were limited to five (5) minutes per person. Seeing and hearing none, Mayor Williams closed the public comments section.

### **Briefing by Mr. Dick Grice, Isle of Wight County Board of Supervisors, District 1**

Supervisor Grice reported since the August Town Council meeting the Board of Supervisors held two work sessions and its regular monthly meeting. He stated that at the August 4<sup>th</sup> work session a proposal for a joint County Government/Private Organization partnership to develop at Bike Park at Nike Park was reviewed. He recalled that a similar partnership running the Blackwater property had reduced operational costs to citizens to virtually zero. Supervisor Grice continued that the Board had received a joint briefing by the Economic Development/Tourism and the Chamber of Commerce that outlined their coordinated efforts and programs to market and bring money to Isle of Wight County. He announced that with the assistance of State House

Representative Emily Brewer, Smithfield will host the 2022 Governor's Summit on Rural Prosperity October 12<sup>th</sup> and 13<sup>th</sup>. He continued that at the meeting the Board also heard recommendations on a median break on Route 17 at Channel Way, with further consideration of this project tabled until the Crossings development is complete.

Supervisor Grice reported that at the Board of Supervisor's August 15<sup>th</sup> meeting there were public hearings for two applications: a Conditional Use Permit for a Royal Farms at the Crossings and removal of a small unused easement. He added that both applications were approved. He reported that the Windsor Library project was temporarily tabled due to the project's bids coming in at twice the budget, adding it would be considered again next year when hopefully material prices come down. Supervisor Grice reported that the Board had approved moving forward with the proposed partnership on a Bike Park and improvements of the Bike trail at Nike Park with final costs and the formal agreement under way. He reported that the Isle of Wight County Board of Supervisors and County Planning Commission will hold a joint session to discuss the future of Solar Farms. He added that the meeting will be open to the public but discussion will be limited to invited guests only. He additionally reported that there would be a joint meeting between the Board of Supervisors and the Isle of Wight School Board on September 21<sup>st</sup> to discuss in detail the use and accountability of county funds.

Supervisor Grice reported that at the September 1<sup>st</sup> work session the Board received an update on Electronic Storage detection K-9s and authorized the Sheriff to advance an application for a state grant providing for additional elementary School Resources Officers (SROs). He added that if the grant was accepted, the program would require \$310,000 in operational funds from the County. He reported that Raynard Gibbs and Matt Smith were appointed to the County Planning Commission, and reminded the Council that Mr. Gibbs additionally serves on the Town Planning Commission. Supervisor Grice stated that at this same meeting the Board received an update on the County's forests and timbering by the State Forestry Local Director and the final update for the upcoming County Fair. He inquired if there were any questions or comments.

Councilwoman Haywood asked if Supervisor Grice could give any more information on the proposed Bike Park.

Supervisor Grice reported that the proposed park would be designed by professionals in the BMX field and would be in Nike Park behind the soccer fields. He stated that it would also provide additional access to the park.

Councilwoman Haywood stated that this would be a nice addition to the existing mountain bike trails in the park.

### **Council Comments:**

Mayor Williams asked that Town Councilmembers make more of an effort to be present at ribbon-cutting and police swearing-in ceremonies. He reported that Councilwoman Haywood and Councilwoman Butler were present at a ribbon-cutting this past weekend and at the most recent swearing-in of Smithfield's two new officers he and Councilwoman Butler had been present. He added that it was imperative for Councilmembers to be present at these types of events.

**Consent Agenda:**

- C1. **Motion to Award the Construction of a Metal Building to House the Town’s Vac-Truck to Harrellsville Metal Works**
  
- C2. **Motion to Support Smithfield Food’s Groundwater Withdrawal Permit Renewal**
  
- C3. **Motion to Approve Fall Street Maintenance Proposals from Blair Brothers, Inc.**
  
- C4. **Motion to Approve Appropriation Resolution for Additional ARPA Funds to be Allocated to Windsor Castle Trail Repairs**
  
- C5. **Motion to approve the Use of Additional ARPA Funds for Windsor Castle Park Trail Repairs**
  
- C6. **Motion to Approve Appropriation Resolution for Contribution of \$800,000.00 to Isle of Wight County for FY 2022 – 2023 with Previously Approved ARPA Funds**
  
- C7. **Invoices Over \$20,000 Requiring Council Authorization:**

a. Lewis Construction of Virginia (Pagan Point - Phase 2)	\$ 91,354.00
b. Isle of Wight County (Contribution for waterline along North Church Street)	\$800,000.00
Additional Invoices Since Finance Committee:	
c. Bobcat Company (Budgeted Public Works Equipment)	\$ 67,775.38
d. Core & Main (Budgeted Water Meters)	\$ 53,000.00
e. Blair Brothers +(Intersection Improvement Project)	\$187,404.40

Councilman Pack Made the motion to approve the Consent Agenda as presented. Vice Mayor Smith seconded the motion.

Mayor Williams called for the vote. On call for the vote, six members were present. Councilman Hall voted aye, Councilman Pack voted aye, Councilwoman Butler voted aye, Councilwoman Haywood voted aye, Vice Mayor Smith voted aye, and Mayor Williams voted aye. The motion passed.

**PUBLIC HEARING: Special Use Permit (SUP) – Church at Wimbledon Lane**

Tammie Clary, Community Development and Planning Director, reported that the applicant is seeking approval for a Special Use Permit (SUP) for a church or place of worship pursuant to Smithfield Zoning Ordinance (SZO) Article 3.I Section C.3. She continued that the proposed use would be for an approximately 30,000 +/- square foot building, used as a Church, featuring approximately 500 seats in the assembly area, along with 227 proposed corresponding parking spaces (according to the SZO, 250 spaces would be the maximum allowable number of spaces, based upon the proposed seating).

Mrs. Clary additionally reported that the applicants have indicated the proposed building will be utilized primarily on Sunday mornings for services at 9 A.M. and 10:45 A.M., along with Wednesday evenings for youth group meetings, and occasional meeting days outside of Sunday mornings and Wednesday nights.

She continued that at the Tuesday, August 9<sup>th</sup>, 2022 Planning Commission, the SUP application was voted to be favorably recommended to Town Council. This proposed use is not a by-right use in the Highway Retail Commercial District and does require a SUP. Town staff endorses a favorable recommendation, subject to site plan approval.

Mayor Williams inquired if there were any questions from the members of Council, and hearing none declared the public hearing open. He asked if there were any members of the public who would like to come forward to speak for or against the application.

Grant Etheridge, Senior Pastor for Liberty Live Church, of 2603 South Nansemond Drive in Suffolk thanked the Council for the opportunity to speak and reported that there were church offices for Liberty Live on South Church Street in Smithfield. Pastor Etheridge stated that for the last 3 ½ years the church's adult parishioners had been meeting for worship at Smithfield High School, while the students and children met at the Middle School. He added that mid-week church activities were held at the YMCA. He explained that church staff start set-up for services on Sundays at 5:30 am and stay until 1:30 pm for take-down. He continued that though the staff are the best at what they do, they needed a permanent home. Pastor Etheridge reported that they had 500 members attend weekly for worship, with 13 staff members residing in the Town of Smithfield. He added that there are 18 if the staff members that live in Carrollton were added into that number. He reviewed that the church's staff and members call Smithfield home, and rather than driving all the way to Hampton he would like them to stay and serve their community. Pastor Etheridge thanked the Council for the opportunity for the church construction to be considered tonight.

Mayor Williams inquired if there were any other members of the public who would like to speak for or against the application. Seeing and hearing none, the public hearing was closed.

Councilman Hall reported that he was very familiar with Liberty Live Church and its staff members. He stated that he was appreciative that the application was before the Council for consideration so that the church could establish a home in Town and felt it was a very good idea.

Councilwoman Butler stated that she was also excited that Liberty Live Church was finding a home in the community. She reported that she had relatives that attended the church and felt it was always good when a church was able to get children excited about attending and that it indicated a growing congregation. She related that she also knew several of the church staff and liked to hear about the church's engagement with the football team at Smithfield High School.

Councilman Pack Made the motion to approve the SUP as presented with the inclusion of the Town Staff recommendation of an approved site plan. Vice Mayor Smith seconded the motion.

Mayor Williams stated he had one point to add regarding the use of feather signs. He reported that he had seen the church's feather sign out on the road, and he asked that the church staff please contact Mrs. Clary to get information on when and where they were approved for use.

Mayor Williams called for the vote. On call for the vote, six members were present. Councilwoman Butler voted aye, Councilwoman Haywood voted aye, Vice Mayor Smith voted

aye, Councilman Hall voted aye, Councilman Pack voted aye, and Mayor Williams voted aye. The motion passed.

**PUBLIC HEARING: Zoning Ordinance Amendment – Lot and Yard Requirements and Modifications**

Mrs. Clary reported that the amendment involved SZO Article 2, Section V addresses “Lot and Yard Requirements and Modifications,” and more specifically, Section 13b addresses development on shrink/swell soils, currently reading “The minimum lot size for any new subdivided lot containing shrink/swell soils shall be increased by a multiple of 1.20 times the minimum lot size prescribed by the applicable zoning district in which the lot is located.” Town Staff were able to speak with Doug Pinckney, the Geotechnical Team Lead/ Senior Engineer from our consulting group, Draper Aden and Associates (DAA). She reported that Mr. Pinckney stated that he did not have a scientific correlation between minimum lot size requirements and the presence of shrink/swell soils located on a particular parcel of land, for development and Mr. Pinckney had discussed engineer foundations as a way to appropriately account for foundational concerns when developing on lots with shrink/swell soils.

Mrs. Clary reported that Town Staff brought SZO Article 2, Section V as a discussion item to Planning Commission, to discuss a potential text amendment, at the Tuesday, August 9th, 2022 Planning Commission meeting, this text amendment was favorably recommended to Town Council.

Mayor Williams inquired if there were any questions from the members of Council, and hearing none declared the public hearing open. He asked if there were any members of the public who would like to come forward to speak for or against the text amendment. Seeing and hearing none, Mayor Williams closed the public hearing.

Councilman Hall made the motion to approve the amendment as presented. Councilman Pack seconded the motion.

Mayor Williams called for the vote. On call for the vote, six members were present. Councilman Hall voted aye, Councilman Pack voted aye, Councilwoman Haywood voted aye, Vice Mayor Smith voted aye, Councilwoman Butler voted aye, and Mayor Williams voted aye. The motion passed.

**PUBLIC HEARING: Zoning Ordinance Amendment – Parking and Loading Requirements for a Restaurant with a Drive-In**

Mrs. Clary reported that Town staff recently encountered a discrepancy with the minimum and maximum parking spaces for restaurants with drive-in facilities, located in section E.18. of Article 8. She continued that the Smithfield Zoning Ordinance (SZO) currently reads: “With drive-in: Minimum: One (1) space per fifty (50) square feet of gross floor area; Maximum: One (1) space per sixty-five (65) square feet of gross floor area.”

Town staff is proposing a reversal of the minimum and maximum square footage requirements for the parking space calculation, for restaurants with drive-ins: “With drive-in: Minimum: One (1) space per fifty (50) sixty-five (65) square feet of gross floor area; Maximum: One (1) space per sixty-five (65) fifty (50) square feet of gross floor area.”



Mrs. Clary reported that at the Tuesday, August 9th, 2022 Planning Commission meeting this text amendment was favorably recommended to Town Council for consideration.

Mayor Williams inquired if there were any questions from the members of Council, and hearing none declared the public hearing open. He asked if there were any members of the public who would like to come forward to speak for or against the amendment. Seeing and hearing none, Mayor Williams closed the public hearing.

Councilman Pack made the motion to approve the amendment as presented. Councilman Hall seconded the motion.

Mayor Williams called for the vote. On call for the vote, six members were present. Councilwoman Butler voted aye, Vice Mayor Smith voted aye, Councilwoman Haywood voted aye, Councilman Pack voted aye, Councilman Hall voted aye, and Mayor Williams voted aye. The motion passed.

### **Motion to Approve the Town Council Summary Minutes of August 2<sup>nd</sup>, 2022**

The Town Attorney reported that he had made corrections necessary and recommended approval of the minutes with these revisions.

Vice Mayor Smith made the motion to approve the minutes with corrections. Councilwoman Haywood seconded the motion.

Mayor Williams called for the vote. On call for the vote, six members were present. Councilman Hall voted aye, Councilman Pack voted aye, Councilwoman Haywood voted aye, Councilwoman Butler voted aye, Vice Mayor Smith voted aye, and Mayor Williams voted aye. The motion passed.

### **New Business:**

#### **a. Consideration of Time/Date Change of October 2022 Town Council Meeting**

Councilman Hall reported that he was a member of the Smithfield Certified Crime Prevention Community along with Chief Howell, and other members of the Police Department. He reported that in 2021 Smithfield held its Night Out at Luter Sports Complex in October versus the National practice of having the Night Out in August. He added that the weather at that time of year can be very hot and the time makes it difficult for school-age children to be able to attend. He continued that the move to October makes it so that the weather is more favorable and having the event moved to Luter Sports Complex allows for a larger area to accommodate more vendors and families to attend. He stated that the event would be held on the first Tuesday of October, which is when Town Council meetings were generally scheduled. He reported that he felt that it was important for the Mayor, Councilmembers, and Town Staff to be able to attend to show the community that they care. Councilman Hall stated that it was his recommendation to move the October Town Council meeting from the first Tuesday to the first Wednesday in October, and to make this change annually. He asked the Town Attorney for his input.

The Town Attorney reported that as long as the Town Council gives notice to the public the meeting could be moved.

Councilman Pack asked for confirmation that what Councilman Hall was asking was to move the Town Council Meeting from Tuesday to Wednesday.

Councilman Hall stated this was correct.

The Town Attorney confirmed that this move would only be in the month of October. He recommended that the change be made on a case-by-case basis before the October meeting instead of making a blanket change to the Code.

Councilman Pack inquired if the change could be made when the schedule is up for approval in January.

Councilman Hall stated that would be his request.

The Town Attorney stated that could be done, but it was appropriate to ask for the change this October at this current time.

Councilman Hall made the motion to move the October Town Council meeting to Wednesday October 5<sup>th</sup> at 6:30 pm. Councilman Pack seconded the motion.

Mayor Williams called for the vote. On call for the vote, six members were present. Councilwoman Haywood voted aye, Vice Mayor Smith voted aye, Councilwoman Butler voted aye, Councilman Pack voted aye, Councilman Hall voted aye, and Mayor Williams voted aye. The motion passed.

#### **Old Business:**

There was no Old Business discussed.

#### **Closed Session:**

The Town Attorney stated that the Council needed a motion to go into closed session for the purpose of discussion of the award of a public contract involving the expenditure of public funds 2.2-3711.A-29 of the Code of Virginia.

Councilman Hall made a motion to go into closed session and Vice Mayor Smith seconded. Mayor Williams called for a collective vote. All Council members present voted aye with no votes against the motion. The motion passed.

*The Town Council went into closed session at 7:08 p.m.*

*The Town Council returned to open session at 8:07 p.m.*

The Town Attorney stated that a motion was needed to go back into open session.

Councilman Hall made a motion to return to open session and Vice Mayor Smith seconded. Mayor Williams called for a collective vote. All Council members present voted aye with no votes against the motion. The motion passed.

The Town Attorney stated that the Council had gone into closed session for the purpose of discussion of the potential award of a public contract involving the expenditure of public funds 2.2-3711.A-29 of the Code of Virginia.

Councilman Pack made the motion confirming the purpose of the discussion, and Councilman Hall seconded. Mayor Williams called for a collective vote. All Council members present voted aye with no votes against the motion. The motion passed.



The meeting was adjourned at 8:08 p.m.

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T. Carter Williams - Mayor

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Lesley King – Town Clerk

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